

**Report from Facilitated Group Sessions
March 26, 2008
State Board of Equalization
Sacramento, CA**

Final Report

**Prepared by MHN Session Facilitator
Karen Mindt Howell, MFT, MBA
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Assessment Summary

This report reflects participant feedback from facilitated group sessions conducted March 26, 2008. Four sessions were held at two locations: Franchise Tax Board, 9646 Butterfield Way, Sacramento; and Board of Equalization, 450 N Street, Sacramento. These sessions were conducted to provide a review of concerns about the mold/health issues in the building at 450 N Street, Sacramento, CA. The employees specifically requested that this report be given to the Executive Director and the Board Members. Additionally, they requested that a copy of this report be made available to them. According to the sign in sheets, a total of 164 employees were present. The following is a summary of the concerns and possible solutions shared during those meetings.

Summary of Concerns

Health and Wellness Concerns

It was the general consensus of the attending employees that a health risk is present in the building at 450 N Street. In 3 of the 4 sessions approximately 75% of the employees reported that they had or were having health problems, which they believed could be attributed to something in the building.

Specific symptoms cited by the employees included:

- Headaches
- Difficulty in thinking and concentration
- Itchy eyes
- Sinus congestion or infection
- Asthma
- Sneezing
- Rashes
- Staph infections (skin lesions)
- Neurological problems
- High blood pressure
- Vertigo
- Fatigue
- Lung problems
- Coughing
- Pneumonia
- One case of meningitis
- One case of cancer

Health and Wellness Concerns (cont.)

There was a general sense among employees that these health/medical symptoms were attributed to molds in the building. Employees expressed that the symptoms improved or were completely alleviated when they were out of the building, either over the weekends, or when the employees were moved to another location. Symptoms seemed to increase and escalate with longer exposure, after re-entering the building. Some employees spoke of needing to get fresh air during breaks in order to be able to continue working through the day. When files moved from the exposed floors (22 23, 24) were reopened at the FTB location, some employees reported the return of physical symptoms.

Employees raised concerns that they may be carrying mold/pathogens home on their clothing or personal items and exposing family members or contaminating their own home. Special concerns were raised over potentially exposing persons with compromised immune systems.

Concerns were also raised that the pathogen causing the illness may be something other than mold and the question was raised regarding what else is being tested. For instance, participants speculated as to whether Legionnaires Disease was being considered.

In addition to physical ailments, employees overwhelmingly reported feeling:

- Angry
- Stressed
- Depressed
- Frightened

They also stated that the situation has had an impact on morale and productivity on the job. Employees at the Butterfield site indicated that being off-site, away from co-workers and necessary documents, having inadequate equipment and unprofessional working conditions, and longer commute times makes it impossible for them to perform their job. However, employees indicated that deadlines and expectations have remained the same.

Overall, employees indicated a lack of confidence that the problem is being addressed adequately at this time.

Lack of Trust

Employees repeatedly raised the issue of mistrust regarding what they have been told and what is being done about the problem they feel is occurring in the building. Generally, concern was expressed that they are not getting accurate and timely information about the problem or about what is being done to correct it.

Employees in each group expressed:

- Speculation that there might be a cover-up of the problem and that their health was being put at risk
- Frustration that accurate and timely information was not being given; that the website where information is posted is difficult to access
- A perception of an indirect message to leave, if they did not like their working environment, after reporting to Executive Director Ray Hirsig in December 2006 that people were ill and there was a problem
- Distrust in not receiving accurate information from my summary report; concern that the information would be modified
- A perception that employee health and wellbeing were being sacrificed for money; that “no one cared about them”
- Retaliation was also a concern for employees, if they raised or pursued this issue relating to the mold. It was stated that employees who had filed either a lawsuit or a Workers Comp claim had been retaliated against, including promotions promised but not given
- Fear of being labeled a ‘trouble maker’ if they spoke up or filed a Workman’s Comp claim and that this had been their experience in the past
- Fear of being retaliated against by attending the EAP sessions
- Concern that they had to go to doctors for medical evaluations that they believed may be biased toward their employer.
- Discussions took place regarding the filing of Workers Comp claims being denied because illnesses could not be directly attributed to molds/irritants in the building, and that such claims had been made prior to the lawsuit.
- A sense that the mold problem was denied until after a lawsuit was filed
- Belief that the truth will not be told because it would jeopardize BOE’s position in the current lawsuit
- Frustration that the mold problem was known in 2004 but was not addressed
- Some former managers indicated that they were directed not to use the “M” word (mold) and that the problem was known but avoided
- Concern that while people are moved off effected floors that others are being moved onto those same floors
- Concern about being moved back onto the upper floors in August without the problem being effectively alleviated
- Concern that email inquiries related to illnesses/building issues were not responded to

Valid Tests for Molds

All groups questioned the validity of the testing for molds and other pathogens.

Employees had the following concerns:

- Testing was done in the air, not when molds were ‘disturbed’
- Testing was not being done where the molds most likely existed – in the walls and ceilings and in specific locations on particularly effected floors
- Room temperatures were dropped for the testing, leading employees to question why tests were being done in atypical conditions
- Tests were conducted on some floors but not others
- Concerns expressed that testing is being done only to defend the current lawsuit

In general, a perception exists that a comprehensive approach is not being taken to assess the problem. Questions were also raised about whether the Department of General Services is expert enough to handle the problem and if the issue should be taken to the EPA at the Federal level.

Water Leakage

Employees discussed their perceptions that water leakage was an ongoing problem, since the building had been built. Employees indicated that the floors most often reported to have water leakage were 11, 17, 22, 23, 24; and also to a lesser degree floors 3, 10, 20 and 21.

The employees gave the following examples:

- Water pouring out of the ceiling “like a fire hydrant”
- Employees being required to put on hard hats and rain coats and continue working.
- Employees had to place plastic sheets on desks and file cabinets at the end of the day
- Standing water on carpets
- Refusal to replace damaged carpeting, due to water damage
- Use of large funnels to direct running water into large bins
- Blackened ceiling tiles
- New ceiling tiles were placed over old ceiling tiles which contained “growing hairy mold”
- Ceiling tiles falling on and within close proximity to desks
- Opened ceilings
- Black substances visible on the sprinkler system and light fixtures
- Janitorial services were consistently substandard; specifically, rugs were not replaced nor shampooed after being soaked with water and they were not regularly vacuumed.

The ventilation system was also identified as an area of concern. There was a fear expressed that mold on some floors might travel to the rest of the floors through the ventilation system and the

elevators, or that mold could get trapped between the walls; downstream from the water leakage. It was also reported that elevators frequently malfunction and the question was raised about how water damage may have impacted elevator functioning and safety. General concerns were also raised regarding water leakage through bad seals in the windows.

Suggested Solutions

At the conclusion of each session, employees were asked what they would like to see as a solution to this problem. The following reflects the solutions they recommended:

- Give employees honest, factual, timely and regularly scheduled reports on air quality testing and how the problem is being or will be addressed
- Select a point person within the organization who can be contacted for all matters relating to the problem in the building. Employees are not clear about how to get the most current information, how to file a Workman's Comp claim, or how to request a move to another location
- Develop a comprehensive plan for the testing and resolution of the problem, as well as a contingency plan to protect the health of employees. This master plan would include identification and resolution of the problem as well as managing the current requisite moves of people, floors and files (i.e., 11th floor move)
- Move all employees off site (preferably close to headquarters) until the problem is identified and remedied
- Move employees to a location where they are able to work with their work group and have adequate equipment and space
- Allow employees to telecommute who are able to do so
- Get employees settled in a permanent location as soon as possible
- Improve janitorial services to include regular cleaning of carpeting and workspace
- Have the Board and Executive Director address the employees directly to answer questions and present information
- Have the executive team review the overwhelming evidence that many people are sick and this may be more than just allergies
- Provide a safe environment for employees to speak up without fear of retaliation
- Allow the health of the exposed employees to be evaluated/tested with independent doctors (not representatives of BOE)

- Reimburse employees for parking costs they are incurring while not using the parking lots, vacation and sick leave taken due to building-related illnesses
- Take the investigation of the problem up to the Federal level